
HOUSE BILL No. 1235

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-8-13; IC 27-8-24.5; IC 27-13-7-18.

Synopsis: Post-mastectomy care. Requires a state employee health benefit plan, a group accident and sickness insurance policy, and a group health maintenance organization contract to provide post-mastectomy care.

Effective: July 1, 2003.

Duncan, Welch

January 13, 2003, read first time and referred to Committee on Appointments and Claims.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1235

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-10-8-13 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 13. (a) As used in this section, "benefits related to a
4 mastectomy" refers to the provision of services related to a
5 mastectomy before, during, and after the surgery, including
6 physician, hospital, and laboratory services.**

7 **(b) As used in this section, "covered individual" means an
8 individual who is entitled to coverage under a state employee
9 health benefit plan.**

10 **(c) As used in this section, "state employee health benefit plan"**
11 **refers to:**

12 **(1) a self-insurance program established under section 7(b) of
13 this chapter to provide group health coverage; or**

14 **(2) a contract for health services with a prepaid health care
15 delivery plan that is entered into or renewed under section
16 7(c) of this chapter.**

17 **(d) A state employee health benefit plan must provide benefits**



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related to mastectomy for a covered individual that cover a minimum length of postsurgical stay at a hospital licensed under IC 16-21 for a time determined by the individual's attending physician to meet the following conditions:

- (1) The length of stay is medically necessary.
- (2) The attending physician's decision is made:
 - (A) in accordance with protocols and guidelines based on sound scientific evidence; and
 - (B) upon evaluation of:
 - (i) the covered individual; and
 - (ii) the coverage for and availability of a postdischarge physician office visit or in-home nurse visit to verify the covered individual's condition within the first forty-eight (48) hours after discharge.

(e) An in-home postsurgical care visit described in subsection (d) must be conducted not later than forty-eight (48) hours following the discharge of a covered individual from a hospital. However, at the covered individual's discretion, the visit may occur at the facility of the attending physician.

(f) The coverage required under this section is not subject to dollar limits, copayments, coinsurance, or deductibles that are less favorable to a covered individual than the dollar limits, copayments, coinsurance, or deductibles that apply to coverage for physical illness generally under the state employee health benefit plan.

SECTION 2. IC 27-8-24.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 24.5. Mastectomy Benefits

Sec. 1. As used in this chapter, "benefits related to a mastectomy" refers to the provision of services related to a mastectomy before, during, and after the surgery, including physician, hospital, and laboratory services.

Sec. 2. As used in this chapter, "covered individual" means an individual who is entitled to coverage under an accident and sickness insurance policy.

Sec. 3. As used in this chapter, "policy of accident and sickness insurance" has the meaning set forth in IC 27-8-5-1.

Sec. 4. A policy of accident and sickness insurance must provide benefits related to a mastectomy for a covered individual that cover a minimum length of postsurgical stay at a hospital licensed under IC 16-21 for a time determined by the covered individual's

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attending physician to meet the following conditions:

- (1) The length of stay is medically necessary.
- (2) The attending physician's decision is made:
 - (A) in accordance with protocols and guidelines based on sound scientific evidence; and
 - (B) upon evaluation of:
 - (i) the covered individual; and
 - (ii) the coverage for and availability of a postdischarge physician office visit or in-home nurse visit to verify the covered individual's condition within the first forty-eight (48) hours after discharge.
- (3) An in-home postsurgical care visit described in subdivision (2) must be conducted not later than forty-eight (48) hours following the discharge of a covered individual from a hospital. However, at the covered individual's discretion, the visit may occur at the facility of the attending physician.

Sec. 5. The coverage that is required under section 4 of this chapter is not subject to dollar limits, coinsurance, or deductibles that are less favorable to a covered individual than the dollar limits, coinsurance, or deductibles that apply to coverage for physical illness generally under the accident and sickness insurance policy.

SECTION 3. IC 27-13-7-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 18. (a) As used in this section, "benefits related to a mastectomy" refers to the provision of services related to a mastectomy before, during, and after the surgery, including physician, hospital, and laboratory services.

(b) An individual contract or a group contract with a health maintenance organization that provides coverage for basic health care services must provide benefits related to a mastectomy that cover a minimum length of postsurgical stay at a hospital licensed under IC 16-21 for a time determined by the enrollee's attending physician to meet the following conditions:

- (1) The length of stay is medically necessary.
- (2) The attending physician's decision is made:
 - (A) in accordance with protocols and guidelines based on sound scientific evidence; and
 - (B) upon evaluation of:
 - (i) the enrollee; and
 - (ii) the coverage for and availability of a postdischarge physician office visit or in-home nurse visit to verify the



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enrollee's condition within the first forty-eight (48) hours after discharge.

(3) An in-home postsurgical care visit described in subdivision (2) must be conducted not later than forty-eight (48) hours following the discharge of an enrollee from a hospital. However, at the enrollee's discretion, the visit may occur at the facility of the attending physician.

(c) The coverage that is required under this section is not subject to dollar limits, coinsurance, or deductibles that are less favorable to a covered individual than the dollar limits, coinsurance, or deductibles that apply to coverage for physical illness generally under the individual contract or group contract.

SECTION 4. [EFFECTIVE JULY 1, 2003] (a) IC 5-10-8-13, as added by this act, applies to a state employee health benefit plan that is entered into, delivered, established, amended, or renewed after June 30, 2003.

(b) IC 27-8-24.5, as added by this act, applies to an accident and sickness insurance policy that is issued, delivered, amended, or renewed after June 30, 2003.

(c) IC 27-13-7-18, as added by this act, applies to a health maintenance organization contract that is entered into, delivered, amended, or renewed after June 30, 2003.

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